

By: Ellis

S.B. No. 1563

A BILL TO BE ENTITLED

AN ACT

relating to the definition of and access to public information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.002, Government Code, is amended to read as follows:

Sec. 552.002. DEFINITION OF PUBLIC INFORMATION; MEDIA CONTAINING PUBLIC INFORMATION. (a) In this chapter, "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body; ~~[or]~~

(2) for a governmental body and the governmental body:

(A) owns the information; ~~[or]~~

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body ~~[it]~~.

(a-1) Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the

1 governmental body in the officer's or employee's official capacity,
2 or a person or entity performing official business or a
3 governmental function on behalf of a governmental body, and
4 pertains to official business of the governmental body.

5 (a-2) The definition of "public information" provided by
6 Subsection (a) applies to and includes any electronic communication
7 created, transmitted, received, or maintained on any device if the
8 communication is in connection with the transaction of official
9 business.

10 (b) The media on which public information is recorded
11 include:

- 12 (1) paper;
- 13 (2) film;
- 14 (3) a magnetic, optical, ~~[ex]~~ solid state, or other
15 device that can store an electronic signal;
- 16 (4) tape;
- 17 (5) Mylar; and
- 18 (6) any physical material on which information may be
19 recorded, including linen, [+
20 ~~(7)~~ silk, [+] and
21 ~~(8)~~ vellum.

22 (c) The general forms in which the media containing public
23 information exist include a book, paper, letter, document, e-mail,
24 Internet posting, text message, instant message, other electronic
25 communication, printout, photograph, film, tape, microfiche,
26 microfilm, photostat, sound recording, map, and drawing and a
27 voice, data, or video representation held in computer memory.

1 SECTION 2. Section 552.003, Government Code, is amended by
2 adding Subdivision (2-a) to read as follows:

3 (2-a) "Official business" means any matter over which a
4 governmental body has or seeks to have any authority,
5 administrative duties, or advisory duties.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2013.